

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31560 of 2008
KIRO SINGH
Versus
STATE OF BIHAR

3. 26.9.2008 Heard.

Some of the houses in a village were searched. Some separate rooms in a single house were also searched and during that course one room, which was used by this petitioner as his bed room, was found storing approximately 60 kg. ganja which was kept there in a gunny bag in six polythene bundles.

The contention is that the police party did not obtain signature of the petitioner on the seizure memo though it claims handing over the copy of the same to the petitioner and that wrong section of offence has been registered. Besides, the contention is that whether the Officer, who was making search and seizure, was competent under the law could be yet another question of law.

These things could not be decided by me at this initial stage of hearing of the bail petition. I may simply express my opinion regarding availability of reasonable ground for believing that the accused has committed offence and further on being released the petitioner may not commit another offence. As things stand, when recovery is there, I cannot say that there should not be any reasonable ground for believing that the accused has not committed the offence.

The petition is dismissed.

(Dharnidhar Jha, J)

sudip